



PATENT  
ATTORNEY DOCKET NO.: 044574-5040-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Patrick C. KUNG *et al.* )  
Application No.: 09/830,033 ) Group Art Unit: 1631  
Filed: October 22, 2001 ) Examiner: Cheyne D. Ly  
For: PHYTOMICS: A GENOMIC-BASED APPROACH TO )  
HERBAL COMPOSITIONS )

Plunkett  
5/6/03

RECEIVED

Assistant Commissioner for Patents  
Washington, D.C. 20231

MAY 02 2003

Sir:

TECH CENTER 1600/2900

**RESPONSE TO RESTRICTION REQUIREMENT AND**  
**SECOND PRELIMINARY AMENDMENT**

This paper responds to the Office Action dated March 11, 2003, time for response to which expires with a one month extension on May 11, 2003.

In response to the restriction requirement in the Office Action, Applicants respectfully elect, with traverse, Group II, claims 27-34, 68, 69 and 70-75, drawn to a method of evaluating an herbal composition. Applicants also respectfully elect, with traverse, the following species:

Plant-related data (claim 32): "the growing conditions of one or more of the individual herbs in the characterized herbal composition."

BioResponses (claim 33): "physiological responses."

Biosystems (claim 34): "cells."

A request for a one-month extension of time and authorization to charge Deposit Account No. 50-0310 in the amount of \$55.00 to cover the extension of time fee accompany this Response.

Prior to examination, please amend the application as follows:

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